

Oath of  
witnesses,  
&c. good  
evidence,  
&c.

public of such state or country, that the court or officer before whom such oath or affirmation, as the case may be, shall be taken, hath authority to administer such oath or affirmation, as the case may be, and that such oath or affirmation as aforesaid hath been duly made before such court, judge, justice, or other officer, shall be good and sufficient evidence in any court of this state to prove any such deed, will, bond, bill, note, or other instrument; and if all the witnesses to any deed, will, bond, bill, note, or other instrument of writing aforesaid, have died or shall die before the execution of such deed, will, bond, bill, note, or other instrument of writing, be proved as aforesaid, then proof, by a credible witness, to the hand-writing of the party making such deed, will, bond, bill, note, or other instrument of writing, or to the hand-writing of the subscribing witnesses to the same, or of any of them, taken and certified as aforesaid, shall be good evidence for the purpose aforesaid; provided always, that in case any suit shall be brought in any court of this state, upon any such instrument of writing, proved as aforesaid, to recover any sum of money, or other valuable thing specified therein to be due, the party bringing such suit shall, at or before the first imparlance court, make oath or affirmation, as the case may be, before some judge or justice of this state, or before some court, judge, justice, or officer of the state or country where such instrument in writing hath been or shall be executed, having authority as aforesaid, and to be certified as aforesaid, that such instrument of writing was duly executed by the person therein mentioned to have executed the same, and that the debt, or other valuable thing appearing to be due by such instrument of writing, or any part thereof, except what is credited, is not paid, or in any manner satisfied, by discount, account in bar, or otherwise, to the knowledge or belief of the party bringing such suit, but that the whole of the money or other thing specified to be paid or delivered by such instrument of writing, or such part thereof as shall be stated in such oath or affirmation, as the case may be, to be due, remains unpaid, according to the best of the knowledge and belief of the party bringing such suit; and provided also, that nothing in this act shall be taken or construed in any manner to alter or repeal the laws now in being, establishing the mode for conveying lands, tenements or hereditaments, within this state, by persons residing or being without the state; and provided also, that every creditor of a deceased person, and any executor or administrator of a creditor, on suit by them, or any of them, shall make oath or affirmation as the law now directs.

SEC. 4. *And be it enacted*, That the oath or affirmation, as the case may be, of any disinterested credible witness, made and certified as aforesaid, proving the payment or delivery of